

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2010080302
v.	
RIPON UNIFIED SCHOOL DISTRICT,	
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RIPON UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2010090956
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On September 22, 2010, Student filed an unopposed motion to amend his Request for Due Process Hearing in OAH case number 2010080302, naming Ripon Unified School District (District) as the respondent (Student's Case). OAH granted the amendment on September 27, 2010. Student's Case alleges denials of FAPE related to a recent change in related service providers.

On September 23, 2010, District filed a motion to consolidate Student's case with its own Request for Due Process Hearing in OAH case number 2010090956 (District's Case). District's case alleges a single issue of whether District may conduct a social/emotional assessment of Student based on parent representations that the dispute about related services providers has caused Student to be emotionally unable to attend school. No opposition to consolidation was received from Student.

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the Student's Case and the District's Case involve common questions of law and fact, in particular, the same, recent related service provider dispute pervades both cases. Accordingly, consolidation is granted.

## ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2010090956, District's Case, are vacated.
3. The dates set in OAH Case Number 2010080302, Student's Case, shall be used for the consolidated matters and it will be designated as the primary case. At present, those dates are: Mediation 11/2/10; PHC 11/15/10 and due process hearing on 11/23/10.
4. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the First Amended Complaint in OAH Case Number 2010080302.

Dated: October 1, 2010

/s/

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RICHARD T. BREEN  
Administrative Law Judge  
Office of Administrative Hearings